

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

In re:)
) Chapter 13
DENNIS J. BRIDGES,)
a/k/a Dino Bridges,) Case No. BKY 04-44869
d/b/a Dino Bridges)
& Associates,)
)
Debtors.)

OBJECTIONS OF THE UNITED STATES
OF AMERICA TO THE CONFIRMATION OF THE
DEBTOR'S CHAPTER 13 PLAN AND MOTION TO DISMISS

THE UNITED STATES OF AMERICA, Internal Revenue Service ("IRS"), by and through its attorneys, Thomas B. Heffelfinger, United States Attorney for the District of Minnesota and Roylene A. Champeaux, Assistant United States Attorney, submits the following objections to the Confirmation of Chapter 13 Plan proposed by this debtor and Motion to Dismiss:

1. The confirmation hearing is scheduled for November 4, 2004, at 10:30 a.m. at U.S. Bankruptcy Court, United States Courthouse, Courtroom 7 West, 300 South Fourth Street, Minneapolis, Minnesota 55415.

2. The Court has jurisdiction over these objections and Motion to Dismiss pursuant to 28 U.S.C. §§ 157 and 1334, Fed. R. Bankr. P. 5005 and Loc. R. Bankr. P. (D. Minn.) 1070-1. This is a core proceeding. The petition commencing this Chapter 13 case was filed August 31, 2004. This case is now pending in this Court.

3. These objections and Motion to Dismiss arise under 11 U.S.C. §§ 1322(a)(2); 1325(a)(5) and (6); and 1307(c) and Fed. R. Bankr. P. 3015. These objections and Motion to Dismiss are filed under Fed. R. Bankr. P. 9013 and 9014 and Loc. R. Bankr. P. (D. Minn.) 3015-3, 3020-1 and 3020-3.

4. The United States, IRS, has a secured claim of \$24,198.00, an unsecured priority claim of \$52,885.38 and an unsecured general claim of \$13,366.36 against this debtor. The total claim is \$90,449.74, as set forth in the filed Proof of Claim of the IRS, a copy of which is attached hereto as Exhibit A.

5. The IRS may have additional priority claims due from this debtor, but they are undetermined because the debtor has not filed federal income tax returns for the years 2002 and 2003 as explained in the Affidavit of Jane Pearson, which is attached as Exhibit B.

6. The Plan provides for the full payment of claims entitled to priority under 11 U.S.C. § 507; however, the Plan merely estimates the amount owed to the IRS as \$7,800.00 and proposes to pay \$7,800.00. While the Plan provides that the trustee will pay the amounts actually owed as priority claims, the actual amount of the priority claim of the IRS cannot be determined until this debtor files his federal income tax returns for the years 2002 and 2003.

7. This is the debtor's second Chapter 13 filing since May 2003. The debtor filed a Chapter 13 Petition on May 5, 2003, Bankruptcy No. 03-43299, that was dismissed on May 24, 2004, on the

Motion of the Chapter 13 Trustee. The debtor filed the instant case three months later. See Declaration of Roylene A. Champeaux, attached hereto as Exhibit C. The IRS was never listed as a creditor in this earlier case despite the fact that the debtor owed a federal tax debt at the time of filing.

8. Without a determination of the actual amount of the priority claim of the IRS, the feasibility of the debtor's Plan cannot be determined in accordance with 11 U.S.C. § 1325(a)(6).

9. The debtor's Plan fails to provide for payments to fully pay the secured claim of the IRS. As the Plan fails to provide for the secured claim of the IRS and as the IRS has not accepted the Plan, the Plan cannot be confirmed under 11 U.S.C. § 1325(a)(5).

10. The Plan is not feasible because the Plan provides for a lump sum payment to the IRS on the IRS priority tax claim in the 60th month of the Plan through the sale or refinance of the debtor's home.

11. The debtor has failed to establish that the sale or refinance would be sufficient to pay the IRS secured and priority claims totaling \$74,083.38. The debtor's schedules value the debtor's home at \$320,000.00 with a mortgage encumbrance of \$295,802.00. Homecomings Financial, the mortgagee, filed a Proof of Claim in the amount of \$304,819.99. The debtor's Plan recites a home mortgage default of \$40,000.00. The Proof of Claim filed

by Homecomings Financial lists a mortgage default of \$45,805.78. Anoka County also filed a Proof of Claim for overdue real estate taxes in the amount of \$1,232.84. Thusly, the debt against the homestead is greater than that portrayed in the debtor's schedules.

12. The debtor is married and his spouse did not join him in the instant Chapter 13 filing. According to the bankruptcy schedules, the wife has a half interest in the real estate.

13. Failure of the debtor's Plan to provide for full payment of the allowed priority and secured tax claims of the IRS along with feasibility is grounds for dismissal of the case pursuant to 11 U.S.C. § 1307(c).

WHEREFORE, for the foregoing reasons, the United States prays that the Chapter 13 Plan filed by this debtor be denied confirmation and that the case be dismissed pursuant to 11 U.S.C. § 1307(c).

Dated: October 8, 2004

THOMAS B. HEFFELFINGER
United States Attorney

/e/ Roylene A. Champeaux
By: ROYLENE A. CHAMPEAUX
Asst. United States Attorney
Attorney ID Number 154805
600 U.S. Courthouse
300 South Fourth Street
Minneapolis, MN 55415
(612) 664-5685

Attorneys for the United
States of America, IRS

UNITED STATES BANKRUPTCY COURT		DISTRICT OF MINNESOTA	PROOF OF CLAIM RECEIVED
Name of Debtor DENNIS J BRIDGES		Case Number 04-44869	<div style="font-size: 2em; margin-bottom: 10px;">2004 SEP 30 AM 11:06</div> <div style="font-size: 2em; margin-bottom: 10px;">18 U.S.C. § 541</div> <div style="font-size: 4em; border: 1px solid black; border-radius: 50%; width: 40px; height: 40px; display: flex; align-items: center; justify-content: center; margin: 0 auto;">6</div> <div style="font-size: 0.8em;">THIS SPACE IS FOR COURT USE ONLY</div>
NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A "request" of payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.			
Name of Creditor (The person or other entity to whom the debtor owes money or property): Department of the Treasury - Internal Revenue Service		<input type="checkbox"/> Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars. <input type="checkbox"/> Check box if you have never received any notices from the bankruptcy court in this case. <input type="checkbox"/> Check box if the address differs from the address on the envelope sent to you by the court.	
Name and address where notices should be sent: Internal Revenue Service Internal Revenue Service 316 North Robert Street Stop 5700STP St. Paul, MN 55101 Telephone number: (651) 312-7993 Creditor #: 6040705			
Account or other number by which creditor identifies debtor: see attachment		Check here <input type="checkbox"/> replaces if this claim <input type="checkbox"/> amends a previously filed claim, dated: _____	
1. Basis for Claim <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> Goods sold <input type="checkbox"/> Services performed <input type="checkbox"/> Money loaned <input type="checkbox"/> Personal injury/wrongful death <input checked="" type="checkbox"/> Taxes <input type="checkbox"/> Other _____ </div> <div style="width: 45%;"> <input type="checkbox"/> Retiree benefits as defined in 11 U.S.C. § 1114(a) <input type="checkbox"/> Wages, salaries, and compensation (fill out below) Last four digits of SS #: _____ Unpaid compensation for services performed from _____ to _____ <div style="display: flex; justify-content: space-between; font-size: 0.8em;"> (date) (date) </div> </div> </div>			
2. Date debt was incurred: see attachment		3. If court judgment, date obtained:	
4. Total Amount of Claim at Time Case Filed: \$ <div style="display: flex; justify-content: space-between; font-size: 0.8em;"> <u>13,366.36</u> (unsecured) <u>24,198.00</u> (secured) <u>52,885.38</u> (priority) <u>90,449.74</u> (Total) </div> <p>If all or part of your claim is secured or entitled to priority, also complete Item 5 or 7 below.</p> <input checked="" type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principal amount of the claim. Attach itemized statement of all interest or additional charges.			
5. Secured Claim. <input checked="" type="checkbox"/> Check this box if your claim is secured by collateral (including a right of setoff). Brief Description of Collateral: <input checked="" type="checkbox"/> Real Estate <input checked="" type="checkbox"/> Motor Vehicle <input checked="" type="checkbox"/> Other <u>see below*</u> Value of Collateral: \$ <u>see below*</u> <small>* All of debtor(s) right, title and interest to property - 26 U.S.C. § 6321.</small> Amount of arrearage and other charges at time case filed included in secured claim, if any: \$ <u>24,198.00</u>		7. Unsecured Priority Claim. <input checked="" type="checkbox"/> Check this box if you have an unsecured priority claim Amount entitled to priority \$ <u>52,885.38</u> Specify the priority of the claim: <input type="checkbox"/> Wages, salaries, or commissions (up to \$4,925),* earned within 90 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. § 507(a)(3). <input type="checkbox"/> Contributions to an employee benefit plan - 11 U.S.C. § 507(a)(4). <input type="checkbox"/> Up to \$2,225* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. § 507(a)(6). <input type="checkbox"/> Alimony, maintenance, or support owed to spouse, former spouse, or child - 11 U.S.C. § 507(a)(7). <input checked="" type="checkbox"/> Taxes or penalties owed to governmental units - 11 U.S.C. § 507(a)(8). <input type="checkbox"/> Other - Specify applicable paragraph of 11 U.S.C. § 507(a)(____): _____ <small>* Amounts are subject to adjustment on 4/1/07 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.</small>	
6. Unsecured Nonpriority Claim \$ <u>13,366.36</u> <input type="checkbox"/> Check this box if: a) there is no collateral or lien securing your claim, or b) your claim exceeds the value of the property securing it, or if c) none or part of your claim is entitled to priority.		THIS SPACE IS FOR COURT USE ONLY <div style="border: 2px solid black; padding: 10px; width: 150px; margin: 0 auto;"> EXHIBIT <div style="font-size: 2em; margin-top: 10px;">A</div> </div>	
8. Credits: The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim.			
9. Supporting Documents: Attach copies of supporting documents, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, security agreements, and evidence of perfection of lien. DO NOT SEND ORIGINAL DOCUMENTS. If the documents are not available, explain. If the documents are voluminous, attach a summary.			
10. Date-Stamped Copy: To receive an acknowledgement of the filing of your claim, enclose a stamped, self-addressed envelope and copy of this proof of claim.			
Date 09/29/2004	Sign and print the name and title, if any, of the creditor or other person authorized to file this claim (attach copy of power of attorney, if any): <div style="text-align: center;"> <u>/s/ JANE PEARSON 41-02525, Bankruptcy Specialist</u> </div>		

Proof of Claim for Internal Revenue Taxes

Department of the Treasury/Internal Revenue Service

Form 10
Attachment

In the Matter of: DENNIS J BRIDGES
AKA DINO BRIDGES
7015 W SHADOW LAKE DR
LINO LAKES, MN 55014

Docket Number
04-44869
Type of Bankruptcy Case
Chapter 13
Date of Petition
08/31/2004

The United States has not identified a right of setoff or counterclaim. However, this determination is based on available data and is not intended to waive any right to setoff against this claim debts owed to this debtor by this or any other federal agency. All rights of setoff are preserved and will be asserted to the extent lawful.

PRIOR BANKRUPTCY(S) AFFECT THE PRIORITY DETERMINATION.

Secured Claims (Notices of Federal tax lien filed under internal revenue laws before petition date)

Taxpayer ID Number	Kind of Tax	Tax Period	Date Tax Assessed	Tax Due	Penalty to Petition Date	Interest to Petition Date	Notice of Tax Lien Filed: Date	Office Location
XXX-XX-1637	INCOME	12/31/1996	05/17/1999	\$2,768.76	\$2,280.67	\$1,914.70	09/03/2003	ANOKA E
XXX-XX-1637	INCOME	12/31/1997	02/17/2003	\$1,581.58	\$889.86	\$864.43	09/03/2003	ANOKA E
XXX-XX-1637	INCOME	12/31/1998	02/17/2003	\$3,681.68	\$2,087.79	\$1,587.60	09/03/2003	ANOKA E
XXX-XX-1637	INCOME	12/31/1999	02/17/2003	\$6,540.93	\$0.00	\$0.00	09/03/2003	ANOKA E
				\$14,572.95	\$5,258.32	\$4,366.73		

Total Amount of Secured Claims: \$24,198.00

Unsecured Priority Claims under section 507(a)(8) of the Bankruptcy Code

Taxpayer ID Number	Kind of Tax	Tax Period	Date Tax Assessed	Tax Due	Interest to Petition Date
XXX-XX-1637	INCOME	12/31/1999	02/17/2003	\$4,994.39	\$3,696.36
XXX-XX-1637	INCOME	12/31/2000	06/04/2001	\$3,995.62	\$847.09
XXX-XX-1637	INCOME	12/31/2001	02/17/2003	\$12,027.13	\$1,524.79
XXX-XX-1637	INCOME	12/31/2002	1 UNASSESSED-NO RETURN	\$14,400.00	\$0.00
XXX-XX-1637	INCOME	12/31/2003	1 UNASSESSED-NO RETURN	\$11,400.00	\$0.00
				\$46,817.14	\$6,068.24

Total Amount of Unsecured Priority Claims: \$52,885.38

Unsecured General Claims

Penalty to date of petition on unsecured priority claims (including interest thereon) \$13,366.36

Total Amount of Unsecured General Claims: \$13,366.36

1 UNASSESSED TAX LIABILITIES(S) HAVE BEEN LISTED ON THIS CLAIM BECAUSE OUR RECORDS SHOW NO RETURN(S) FILED. WHEN THE DEBTOR(S) FILES THE RETURN OR PROVIDES OTHER INFORMATION AS REQUIRED BY LAW THE CLAIM WILL BE AMENDED.

INTERNAL REVENUE SERVICE
FACSIMILE FEDERAL TAX LIEN DOCUMENT

Lien Recorded : 09/03/2003 - 17:00PM
Recording Number:
UCC Number :
Liber :
Page :

Area: SMALL BUSINESS/SELF EMPLOYED #9
Lien Unit Phone: (800) 829-3903

IRS Serial Number: 132457203

This Lien Has Been Filed in Accordance with
Internal Revenue Regulation 301.6323(f)-1.

Name of Taxpayer :
DENNIS J & TERRI E BRIDGES

Residence :
7015 W SHADOW LAKE DR
LIONEL LAKES, MN 55014-1908

With respect to each assessment below, unless notice of lien
is refiled by the date in column(e), this notice shall constitute
the certificate of release of lien as defined in IRC 6325(a).

Form (a)	Period (b)	ID Number (c)	Assessed (d)	Refile Deadline (e)	Unpaid Balance (f)
1040	12/31/1996	367-62-1637	05/17/1999	06/16/2009	5753.52
1040	12/31/1997	367-62-1637	02/17/2003	03/19/2013	2976.81
1040	12/31/1998	367-62-1637	02/17/2003	03/19/2013	6664.79
1040	12/31/1999	367-62-1637	02/17/2003	03/19/2013	19400.66
1040	12/31/2000	367-62-1637	06/04/2001	07/04/2011	4227.94
1040	12/31/2001	367-62-1637	02/17/2003	03/19/2013	16224.32

Filed at: COUNTY RECORDER
ANOKA E
ANOKA, MN 55303

Total \$ 55248.04

This notice was prepared and executed at ST PAUL, MN
on this, the 02nd day of September, 2003.

Authorizing Official:
S KILPATRICK
(800) 829-3903

Title:
ACS 29-00-0008

DENNIS J. BRIDGES,
DINO BRIDGES,
DINO BRIDGES & ASSOCIATES,
Plaintiff,

INTERNAL REVENUE SERVICE,
Defendant.

EXHIBIT
B

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

In re:)
) Case No. BKY 04-44869
DENNIS J. BRIDGES,)
a/k/a Dino Bridges,) Chapter 13
d/b/a Dino Bridges)
& Associates,)
)
Debtor.)

DECLARATION OF ROYLENE A. CHAMPEAUX

1. This declaration and the attached exhibits are submitted pursuant to 28 U.S.C. § 1746 in connection with the Objections of the United States of America to the Confirmation of the Debtor's Chapter 13 Plan and the United States Motion to Dismiss. I am the Assistant United States Attorney to whom this case is assigned.

2. Attached are certified copies of the following:

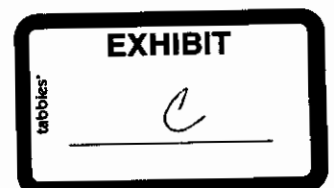
A. Docket - Bankruptcy No. 03-43299

B. Claims Register - Bankruptcy No. 03-43299

3. Pursuant to 28 U.S.C. § 1746 I declare under penalty of perjury that the foregoing is true and correct.

Executed on 10/8/04 in Minneapolis, Minnesota.


ROYLENE A. CHAMPEAUX



Return to Search Results Page

U.S. Bankruptcy Court
District of Minnesota (Minneapolis)

Bankruptcy Petition #: 03-43299

Date filed: 5/5/03

Date terminated: 6/23/04

Assigned to: JUDGE ROBERT J KRESSEL

Chapter 13 voluntary individual asset

===== * Attorneys *

DENNIS J BRIDGES
aka
DINO BRIDGES
dba
DINO BRIDGES & ASSOC
7015 W SHADOW LAKE DR
LINO LAKES, MN 55014
SSN: XXX-XX-1637
* Debtor *

JOSEPH A SKOKAN
1675 S GREELEY ST STE 100
STILLWATER, MN 55082
651-351-1975

U S TRUSTEE
1015 U S COURTHOUSE
300 S 4TH ST
MINNEAPOLIS, MN 55415
* U S Trustee *

JASMINE Z KELLER
12 S 6TH ST STE 310
MINNEAPOLIS, MN 55402
* Trustee *

CERTIFIED COPY - Certified a true copy
6 pages on (date) 10/8/04
Lori Vosejka, Acting Clerk, United States
Bankruptcy Court, District of Minnesota
(SEAL) BY DP, Deputy Clerk

Proceedings include all events.

CLOSED

5/5/03 1 Voluntary Petition all schedules and statements. Proof of
Claim (gov) Deadline: 11/3/03 Electronically filed by
Joseph A Skokan on: Mon May 5 17:52:14 2003 (A137)
[EOD 05/05/03]
5/5/03 2 Declaration of Original Signature Re: [1-1] Electronic
Voluntary Petition . (A137) [EOD 05/05/03]
5/5/03 -- Added U S TRUSTEE. (auto) [EOD 05/05/03]
5/5/03 3 Creditor list supplied by debtor. (A137) [EOD 05/05/03]
5/5/03 4 Chapter 13 Plan. (A137) [EOD 05/05/03]

DECLARATION
EXHIBIT A

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Proceedings include all events.

03-43299 In re: DENNIS J BRIDGES

CLOSED

DISMSD 052404

5/7/03 -- Filing Fee Paid in Full Re: [1-1] Electronic Voluntary
Petition (Filing Fee \$ 185.00 Receipt # 145348) (sn)
[EOD 05/07/03]

5/7/03 5 Notice of Meeting of Creditors under 11 USC 341(a)
Scheduled For 9:15 6/4/03 At Ch. 13 Office Minneapolis
Confirmation Hearing Set For 10:30 7/17/03 At Courtroom 8
West (Minneapolis) ;Last Day to File Proofs of Claim:
9/2/03 Certificate of Service. (mgb) [EOD 05/12/03]

5/12/03 6 Court's Certificate of Mailing Re: [4-1] Chapter 13 Plan .
(sd) [EOD 05/12/03]

6/18/03 7 Notice of Hearing and Motion by Creditor WELLS FARGO
FINANCIAL ACCEPTANCE For Relief From Stay . Hearing
Scheduled for 2:00 7/10/03 at Courtroom 8 West
(Minneapolis) , Filing fee paid \$ 75.00, Record: E12668;
Affidavit, Memorandum of Law, Proof of Service, Proposed
Order. (A032) [EOD 06/18/03]

6/19/03 -- Filing Fee Paid in Full Re: [7-1] Motion For Relief From
Stay by WELLS FARGO FINANCIAL ACCEPTANCE (Filing Fee \$
75.00 Receipt # 146799) (sn) [EOD 06/20/03]

6/23/03 8 Amended Motion by Creditor WELLS FARGO FINANCIAL ACCEPTANCE
re: [7-1] Motion For Relief From Stay . Affidavit, Proof of
Service, Proposed Order. (A032) [EOD 06/23/03]

6/26/03 9 Report of Chapter 13 Trustee re: [8-1] Amended Motion by
WELLS FARGO FINANCIAL ACCEPTANCE (A324) [EOD 06/26/03]

7/10/03 -- Minutes Re: [7-1] Motion For Relief From Stay by WELLS
FARGO FINANCIAL ACCEPTANCE . NO APPEARANCES. MATTER
SETTLED. AGREED ORDER SUBMITTED. ORDER TO ENTER. (can)
[EOD 07/10/03]

7/10/03 10 Order Denying [7-1] Motion For Relief From Stay by WELLS
FARGO FINANCIAL ACCEPTANCE. COURT'S CERTIFICATE OF
MAILING. NOTICE OF ENTRY AFFIXED. (lmh) [EOD 07/10/03]

7/17/03 -- Minutes Re: [4-1] Chapter 13 Plan . PLAN CONFIRMED (sn)
[EOD 07/18/03]

7/18/03 11 Order Confirming [4-1] Chapter 13 Plan . Certificate of
Service. (sn) [EOD 07/18/03]

8/11/03 12 Modified Chapter 13 Plan filed by Debtor DENNIS J BRIDGES.
Proof of Service, Signature declaration (if debtor is
filer). (A137) [EOD 08/11/03]

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Proceedings include all events.

03-43299 In re: DENNIS J BRIDGES

CLOSED

DISMSD 052404

8/11/03 13 Notice of Hearing and Motion by Debtor DENNIS J BRIDGES To Confirm Modified Plan . Hearing Scheduled for 10:30 9/18/03 at Courtroom 8 West (Minneapolis), Memorandum of Law, Proof of Service. ..DOCUMENTS NOT SUBMITTED: Affidavit ..END DOCUMENTS NOT SUBMITTED. (A137) [EOD 08/11/03]

8/12/03 14 Certificate of Service by JOSEPH A SKOKAN for Debtor DENNIS J BRIDGES of [13-1] Motion To Confirm Modified Plan by DENNIS J BRIDGES, [12-1] Modified Plan by DENNIS J BRIDGES . (dbs) [EOD 08/12/03]

8/12/03 15 Affidavit of Default by Creditor HOMECOMINGS FINANCIAL NETWORK In Re: [4-1] Chapter 13 Plan and [11-1] Confirm Plan 13 Order Proposed Order. ..DOCUMENTS NOT SUBMITTED: , Proof of Service ..END DOCUMENTS NOT SUBMITTED. (A029) [EOD 08/12/03]

8/14/03 16 Order Granting [15-1] Default Affidavit by HOMECOMINGS FINANCIAL NETWORK. COURT'S CERTIFICATE OF MAILING. NOTICE OF ENTRY AFFIXED. (lmh) [EOD 08/14/03]

9/4/03 17 Application for Compensation Filed by Attorney for Debtor. Fees: \$ 1,250. Expenses: \$ 0. Proposed Order. (A137) [EOD 09/04/03]

9/5/03 18 Affidavit of Default by Creditor HOMECOMINGS FINANCIAL NETWORK In Re: [4-1] Chapter 13 Plan and [11-1] Confirm Plan 13 Order Proposed Order. ..DOCUMENTS NOT SUBMITTED: , Proof of Service ..END DOCUMENTS NOT SUBMITTED. (A029) [EOD 09/05/03]

9/9/03 19 Order Granting [18-1] Default Affidavit by HOMECOMINGS FINANCIAL NETWORK. COURT'S CERTIFICATE OF MAILING. NOTICE OF ENTRY AFFIXED. (lmh) [EOD 09/09/03]

9/11/03 20 Order Granting Attorney's Fees Re: [17-1] Chapter 13 Application in the Amount of \$ 1250.00. Certificate of Service. (lmm) [EOD 09/11/03]

9/18/03 -- Minutes Re: [12-1] Modified Plan by DENNIS J BRIDGES . PLAN CONFIRMED (sn) [EOD 09/18/03]

9/18/03 21 Order Confirming Postconfirmation [12-1] Modified Plan by DENNIS J BRIDGES . Certificate of Service. (sn) [EOD 09/18/03]

10/22/03 22 Notice of Hearing and Motion by Trustee JASMINE Z KELLER To Dismiss or Convert Case . Hearing Scheduled for 10:30 11/20/03 at Courtroom 8 West (Minneapolis) Affidavit, Proof of Service. (A324) [EOD 10/22/03]

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Proceedings include all events.
03-43299 In re: DENNIS J BRIDGES

CLOSED
DISMSD 052404

10/24/03 23 Notice of Hearing and Motion by Creditor RICKY AND LORI NELSON For Relief From Stay . Hearing Scheduled for 2:00 11/13/03 at Courtroom 8 West (Minneapolis) , Filing fee paid \$ 75.00, Record: E14629; Affidavit, Memorandum of Law, Proof of Service, Proposed Order. (A151) [EOD 10/24/03]

10/24/03 -- Filing Fee Paid in Full Re: [23-1] Motion For Relief From Stay by RICKY AND LORI NELSON (Filing Fee \$ 75.00 Receipt # 150905) (sn) [EOD 10/24/03]

10/28/03 24 Report of Chapter 13 Trustee re: [23-1] Motion For Relief From Stay by RICKY AND LORI NELSON (A324) [EOD 10/28/03]

11/6/03 27 Withdrawal of Claim # 7 Filed by ANOKA COUNTY. (sn) [EOD 12/08/03]

11/13/03 -- Minutes Re: [23-1] Motion For Relief From Stay by RICKY AND LORI NELSON. NO OBJECTIONS FILED. MOTION TO PROCEED BY DEFAULT. MOTION GRANTED. ORDER TO ENTER. (lmh) [EOD 11/13/03]

11/13/03 25 Order Granting [23-1] Motion For Relief From Stay by RICKY AND LORI NELSON. COURT'S CERTIFICATE OF MAILING. NOTICE OF ENTRY AFFIXED. (lmh) [EOD 11/13/03]

11/20/03 -- Minutes Re: [22-1] Motion To Dismiss or Convert Case by JASMINE Z KELLER . MATTER SETTLED. AGREED ORDER TO ENTER. (dbs) [EOD 11/21/03]

11/21/03 26 Order Denying [22-1] Motion To Dismiss or Convert Case by JASMINE Z KELLER . CERTIFICATE OF MAILING. (dbs) [EOD 11/21/03]

1/28/04 28 Modified Chapter 13 Plan filed by Debtor DENNIS J BRIDGES. Proof of Service, Signature declaration (if debtor is filer). (A137) [EOD 01/28/04]

1/28/04 29 Notice of Hearing and Motion by Debtor DENNIS J BRIDGES To Confirm Modified Plan . Hearing Scheduled for 10:30 2/19/04 at Courtroom 8 West (Minneapolis) Affidavit, Memorandum of Law, Proof of Service. (A137) [EOD 01/28/04]

2/19/04 -- Minutes Re: [29-1] Motion To Confirm Modified Plan by DENNIS J BRIDGES. MODIFIED PLAN CONFIRMED. (rmg) [EOD 02/19/04]

2/19/04 30 Order Confirming Postconfirmation [28-1] Modified Plan by DENNIS J BRIDGES. Certificate of Service. (rmg) [EOD 02/19/04]

4/28/04 31 Notice of Hearing and Motion by Trustee JASMINE Z KELLER To Dismiss or Convert Case . Hearing Scheduled for 10:30

5/20/04 at Courtroom 8 West (Minneapolis) Affidavit, Proof
of Service. (A324) [EOD 04/28/04]

Docket as of October 8, 2004 1:29 pm

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Proceedings include all events.
03-43299 In re: DENNIS J BRIDGES

CLOSED
DISMSD 052404

5/20/04 -- Minutes Re: [31-1] Motion To Dismiss or Convert Case by
JASMINE Z KELLER . CASE DISMISSED. (dbs) [EOD 05/24/04]
5/24/04 32 Order Dismissing Case. Certificate of Service. (dbs)
[EOD 05/24/04]
6/16/04 33 Chapter 13 trustee's final report in dismissed case. (A324)
[EOD 06/16/04]
6/23/04 34 Order Closing Case and Discharging Trustee. (cnn)
[EOD 06/23/04]
6/23/04 -- Case Closed. (cnn) [EOD 06/23/04]

Docket as of October 8, 2004 1:29 pm

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Claims Data for Case 3-43299

An 'underlined blue or purple' entry in the 'Creditor' column indicates that there is an image for the entry. The image can be accessed using either the Paperport viewer for MAX documents or the Adobe Acrobat Reader for PDF documents. These viewers may be downloaded free of charge by clicking on the Image Viewer Download hyperlink. Install help is available by clicking on the Viewer Install Help hyperlink. The buttons in the 'Link' column display text associated with the entry.

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Claim Date	Amount	Claim Number	Descriptive Text	Creditor	
05/16/03	10370.80	1		<u>BD CONSTRUCTION</u> 4207 UPTON AVE S MINNEAPOLIS MN 55410	Claim image exists
05/16/03	7219.53	2		<u>VIKING AUTOMATIC SPRINKLER</u> 1301 LORIENT ST SAINT PAUL MN 55117	Claim image exists
05/21/03	19788.45	3		<u>SCHERER BROS LUMBER</u> 9110 83RD AVE N MINNEAPOLIS MN 55445	Claim image exists
05/23/03	4334.33	4		<u>PROSOURCE OF MINNEAPOLIS</u> 3764 N DUNLAP ARDEN HILLS MN 55112	Claim image exists
06/04/03	6550.00	5		<u>BATTIN STUCCO CO</u> 213 OREGON AVE BIG LAKE MN 55309	Claim image exists
07/08/03	44168.00	6		<u>MARQUETTE WOODWORKING</u> 7110 62ND AVE ELK RIVER MN 55330	Claim image exists

CERTIFIED COPY - Certified a 7/10/03
 2 pages on (date) 7/10/03
 Lori Vosejka, Acting Clerk, United States
 Bankruptcy Court, District of Minnesota
 (SEAL) BY Ake, Deputy Clerk

DECLARATION
 EXHIBIT B

10/08/2004 1:30 PM

07/10/03	1155.89	7	213122230006 WITHDRWN 11/06/03 SEE DOC 27	<u>ANOKA COUNTY</u> 2100 3RD COUNTY ANOKA MN 55303 <u>CLAIM WITHDRAWN:</u> 11/06/03	Claim image exists
07/10/03	4130.00	8		<u>HOME CO INSULATION INC</u> 9541 NW FOLEY BLVD MINNEAPOLIS MN 55433	Claim image exists
07/17/03	22253.05	9		<u>DANIEL BRESNAHAN</u> 220 ROSEDALE TOWERS 1700 HWY 36 WEST SAINT PAUL MN 55113	Claim image exists
08/07/03	118723.46	10	0435499702	<u>HOME COMING FINANCIAL NETWORK INC</u> 2711 N HASKELL AVE STE 900 ATTN: CASHIERING DALLAS TX 75204	Claim image exists
08/14/03	16091.00	11	Please refer to Claim Number 13 07768585	<u>WELLS FARGO FINANCIAL ACCEPTANCE</u> 3101 W 69TH ST EDINA MN 55435	Claim image exists
12/05/03	9415.33	12	1637	<u>MN DEPT OF REVENUE</u> BANKRUPTCY SECTION PO BOX 64447 ST PAUL MN 55164	Claim image exists
02/05/04	24553.19	13	Amendment of Claim Number 11 07768585 AMENDED	<u>WELLS FARGO FINANCIAL ACCEPTANCE</u> 3101 W 69TH ST EDINA MN 55435	Claim image exists

U S Bankruptcy Court - District of Minnesota
Last revised: October 24, 2000

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

In re:)
) Chapter 13
DENNIS J. BRIDGES,)
a/k/a Dino Bridges,) Case No. BKY 04-44869
d/b/a Dino Bridges)
& Associates,)
)
Debtor.)

MEMORANDUM IN SUPPORT OF OBJECTIONS OF THE
UNITED STATES OF AMERICA TO THE CONFIRMATION
OF DEBTOR'S CHAPTER 13 PLAN AND MOTION TO DISMISS

THE UNITED STATES OF AMERICA, Internal Revenue Service ("IRS"), by and through its attorneys, Thomas B. Heffelfinger, United States Attorney for the District of Minnesota and Roylene A. Champeaux, Assistant United States Attorney, submits the following Memorandum in Support of its Objections to Confirmation of Debtor's Chapter 13 Plan and Motion to Dismiss.

1. The United States, IRS, has a secured priority claim of \$24,198.00, an unsecured priority claim of \$52,885.38, and an unsecured general claim of \$13,366.36 against this debtor. The total claim is in the amount of \$90,449.74 as set forth in the filed Proof of Claim of the IRS.

2. Since no objections to the tax claims of the IRS have been filed, the claims are deemed allowed, pursuant to 11 U.S.C. § 502(a).

3. As the debtor has not filed federal income tax returns for the years 2002 and 2003, the actual tax liabilities are unknown. Any tax liabilities due for years 2002 and 2003 would be

priority taxes, which must be paid in full. This debtor should be required to file his federal income tax returns so that the tax liabilities can be fully determined and properly treated by the Plan.

4. The debtor's Plan fails to provide for adequate payments to fully pay the priority claim of the IRS under 11 U.S.C. § 507 as required under 11 U.S.C. § 1322(a)(2).

5. The Plan fails to provide for payments to fully pay the secured claim of the IRS. As the Plan fails to provide for the secured claim of the IRS and as the IRS has not accepted the Plan, the Plan cannot be confirmed under 11 U.S.C. § 1325(a)(5).

6. The Plan provides that the IRS priority claim in the amount of \$61,571.00 will be paid no later than the 60th month by the sale or refinance of the debtor's home. The United States submits that the amount of the IRS priority claim cannot be established until the debtor files the missing federal tax returns. The United States further submits that the real estate is encumbered to the full extent of its value and the debtor is currently in default on his mortgage payments in the amount of \$45,800.00. The Plan provides that this mortgage default will be cured by the 18th month of the Plan or the mortgagee is granted relief from the automatic stay to foreclose. This hardly augers well for the ability of the debtor to make payments on the IRS claims. Additionally, the debtor's spouse, who according to the

schedules, has a half interest in the homestead, is not a party to this Plan and could prevent the debtor from selling or refinancing the home.

7. As the proponent of his Plan, the debtor bears the burden of proving the factors set forth in 11 U.S.C. § 1325(a). In re Hogue, 78 B.R. 867, 872 (Bankr. S.D. Ohio 1987).

Plans that provide for balloon payments are not unfeasible per se. However, Plans that provide for payments in the last month of a Plan using funds from an uncertain source should be carefully reviewed. Among the factors to be considered are:

1. The amount of equity in the property at the time of filing;
2. The debtor's present and future earnings, and employment;
3. The debtor's disposable income;
4. Whether the plan provides for payment of interest to secured creditors;
5. The debtor's motivation to complete a Plan;
6. Whether the plan provides for the payment of property taxes and other recurring charges against the real estate;
7. Whether the Plan provides a cushion for unexpected expenses; and
8. Whether the plan provides for a significant reduction of debt against the real estate such that a refinance would be likely.

In re Wagner, 259 B.R. 694, 700-701 (B.A.P. 8th Cir. 2001).

8. Here the debtor has failed to establish the ability to pay the IRS secured and priority claims from the sale or refinance of the house. The timing of the sale or refinance in the 60th month puts the IRS at risk of waiting 60 months only to have the debtor voluntarily dismiss the case or be dismissed for failure to make the final payment under the Plan. The United States submits that for these reasons the debtor's proposed Chapter 13 Plan is not feasible. Lack of feasibility is further established by the failure of the debtor's 2003 Chapter 13 Plan.

9. Failure of the debtor's Plan to provide for full payment of the allowed priority and secured tax claims of the IRS along with feasibility is grounds for dismissal of the case pursuant to 11 U.S.C. § 1307(c).

WHEREFORE, for the foregoing reasons, the United States prays that the Chapter 13 Plan filed by this debtor be denied confirmation and that the case be dismissed pursuant to 11 U.S.C. § 1307(c).

Dated: October 8, 2004

THOMAS B. HEFFELFINGER
United States Attorney

/e/ Roylene A. Champeaux
By: ROYLENE A. CHAMPEAUX
Asst. United States Attorney
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300 South Fourth Street
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Attorneys for the United
States of America, IRS

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

Chapter 13

DENNIS J. BRIDGES,
a/k/a Dino Bridges,
d/b/a Dino Bridges
& Associates,

Case No. BKY 04-44869

Debtor.

UNSWORN DECLARATION
FOR PROOF OF SERVICE

I, Muriel Holland, employed by the Office of the United States Attorney, with office address 600 U.S. Courthouse, 300 South Fourth Street, Minneapolis, Minnesota 55415, declares that on October 8, 2004, I served the Objections of the United States of America to Confirmation of Debtor's Chapter 13 Plan and Motion To Dismiss, Memorandum in Support of Objections and Motion to Dismiss and proposed Order on the entities named below by mailing to each of them a copy thereof by enclosing same in an envelope with first class mail postage and depositing same in the post office at Minneapolis, Minnesota, addressed to each of them as follows:

Joseph A. Skokan, Esq.
Piletich and Skokan, P.A.
1675 Greeley Street, Suite 100
Stillwater, MN 55082

Viking Automatic Sprinkler
1301 Lorient Street
St. Paul, MN 55117

United States Trustee
1015 U.S. Courthouse
300 South Fourth Street
Minneapolis, MN 55415

Homecomings Financial Network,
Inc.
2711 N. Haskell Ave., Ste. 900
Dallas, TX 75204

Jasmine Z. Keller, Esq.
Chapter 13 Trustee
12 So. 6th St., Ste. 310
Minneapolis, MN 55415

Prosource of Minneapolis
3764 N. Dunlap
Arden Hills, MN 55112

Dennis J. Bridges
7015 W Shadow Lake Drive
Lino Lakes, MN 55014

Minnesota Department of
Revenue
Collection Enforcement Unit
551 Bankruptcy Section
P.O. Box 64447
St. Paul, MN 55164

Kent Gulden, DDS
4437 South Lake Avenue
White Bear Lake, MN 55110

UNSWORN DECLARATION FOR PROOF OF SERVICE - Cont.

Re: DENNIS J. BRIDGES,
a/k/a Dino Bridges,
d/b/a Dino Bridges
& Associates
BKY No. 04-44869

Craig Anderson
Assistant Attorney General
Office of MN Attorney General
Tax Litigation Division
1100 NCL Tower
445 Minnesota Street
St. Paul, MN 55101-2128

And I declare, under penalty of perjury, that the foregoing
is true and correct.

Executed: October 8, 2004

Signed: /e/ Muriel Holland
Muriel Holland

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

In re:)
) Chapter 13
DENNIS J. BRIDGES,)
a/k/a Dino Bridges,) Case No. BKY 04-44869
d/b/a Dino Bridges)
& Associates,)
)
Debtor.)

ORDER

At Minneapolis, Minnesota, this _____ day of _____,
2004.

This matter came before the Court for hearing on Confirmation of the debtor's Plan. The United States of America, on behalf of the Internal Revenue Service, filed objections to confirmation and requested an Order denying confirmation and for an Order dismissing this case. Roylene A. Champeaux, Assistant United States Attorney, appeared on behalf of the United States. Other appearances were noted on the record.

It appears to the satisfaction of the Court that the debtor's Plan is not confirmable.

IT IS THEREFORE ORDERED:

1. Confirmation is denied.
2. The case is dismissed.

NANCY C. DREHER
United States Bankruptcy Judge